

## **Section 5.0**

## **Industrial – Commercial Component**

Activities associated with industrial and commercial businesses can contribute pollutants to the City's MS4. The City has implemented a program that aims to reduce and prevent industrial and commercial pollution discharges from the MS4 to the MEP, to protect local receiving water bodies, and to comply with the Permit.

Commercial facilities within the City include a wide range of oriented businesses from restaurants to nurseries. There is one main commercial area within the City, along Broadway and down Lemon Grove Ave. This area contains many different commercial businesses ranging from restaurants to automotive outlets. The City's industrial area runs along Federal Blvd adjacent to SR 94.

Throughout FY 2009-10, City staff has worked diligently to fulfill the requirements of Order 2007-01. The City worked to ensure our current inspection program met the requirements of the current Permit and made any adjustments necessary. Due to the City's small size, staff is able to inspect a larger than needed majority of its commercial facilities and all of its industrial facilities. The City also continues to participate in the development of a regional mobile business program. The following section will demonstrate the City's successful implementation of the requirements of the Permit (Section D.3.b) during FY 2009-10.

### **5.1 Industrial-Commercial Sites/Sources Element**

Each stationary industrial and commercial facility has the potential to discharge pollutants into the MS4 and consequently degrade local water quality. Often, the most cost effective and simple solution to reducing pollution is to implement pollution prevention techniques at the source. The City emphasizes the use of pollution prevention methods as a primary mechanism for reducing commercial discharges of pollutants into the City's MS4. Further, the City requires minimum site and activity specific BMPs to be implemented, and inspections and enforcement procedures will be conducted where necessary, to comply with the Permit.

For the rest of Section 5.1, "commercial facilities" will be used to refer to stationary commercial facilities that are not mobile. The mobile commercial sites/sources component is described in Section 5.2.

#### **5.1.1 Source Characterization**

A watershed-based inventory of the industrial and commercial sites/sources within the City was compiled as part of the 2008 JURMP update. As required by the Permit, the inventory includes the following information for each site/source: facility name, address, possible pollutants, if the site drains to a 303(d) listed

waterbody, and a brief description including SIC codes which best reflect the principal products or services provide by each facility. This list can be found in the 2008 JURMP. Because mobile commercial businesses do not have a fixed address at which they operated, they are tracked within a separate, non-spatial database.

The commercial inventory is continually updated as facilities go out of business and new facilities open. This process is performed primarily through the business license data base. Staff also collaborates with the Fire Marshal to verify existing and new facilities and to combine inspections. In addition, the City identifies businesses that are not on the facility inventory when complaints are filed about businesses that are not registered or licensed with the City. When this occurs, these facilities are added to the inventory and the proper City staff are notified to ensure the business is brought into compliance with City licensing requirements. During annual facility inspections, City staff has the opportunity to identify new or closed businesses and update the inventory with these findings.

In FY 2009-10, the City continued its focus on high priority commercial businesses by inspecting all restaurants, manufacturers, and automotive repair facilities with in the City. This totaled 34 facilities for this reporting period, the list of which is located in Attachment K 2. Table 5-1 contains a summary of the commercial facilities found in the City. The summary includes home businesses like carpet cleaners and household cleaning services, which the City finds to be difficult to inspect due to their transitory nature and small size (typically one person operations). The City deals with these operations more from a residential perspective than a commercial perspective and requires the standard minimum residential BMPs of these services. The City also inspects parking lots in conjunction with their respective buildings and does count them separately in the site total.

**Table 5-1 - Summary of High Priority Commercial Sources**

<b>Commercial Activity</b>	<b>Number of Facilities in Lemon Grove</b>
Automobile Dealers/Rentals	18
Automobile Supply Stores	9
Automobile Repair/Paint	9
Automobile System and Tire Repair	56
Automobile Cleaning/Washing	3
Gas Stations	7
Eating/Drinking Establishments	60
Landscaping, includes lawn care	9
Nurseries and Greenhouses	1
Pest Control	3
Equipment Repair/Maintenance/Cleaning	3
Metalwork	6
Masonry	4
Parking Lots and Storage	3
Carpet/Building Cleaning	21

Pool and Fountain Cleaning	3
<b>Total</b>	<b>215</b>

The City has 19 industrial facilities, most of which are high priority due to their proximity to Chollas Creek, a 303(d) listed waterbody. The City inspects all of these facilities on an annual basis. This number includes the three facilities which fall under the Statewide Industrial Permit as well. Table 5-2 contains a summary of these facilities.

**Table 5-2 - Summary of High Priority Industrial Sources**

<b>Industrial Activity</b>	<b>Number of Facilities in Lemon Grove</b>	<b>Revised High Priority Category Facilities</b>
Waste Disposal and Recycling	1	
Equipment/Transportation	3	2
Metalwork	2	3
Building Supplies and Woodworking	3	2
Industrial Paper		1
Contractor, Special Trade		1
Specialty Hardware, Drapery		1
<b>Total</b>	<b>9</b>	<b>10</b>
	<b>Total Facilities</b>	<b>19</b>

As part of the 2008 JURMP update and development of the interim SUSMP, the City collaborated with Copermittees to identify the pollutant loading potentials of industrial and commercial sources. Table 5-3 in Attachment K2 lists the pollutants that may be generated by each category of business. The pollutants that may be generated by each individual business can be determined by matching the category of business noted for each of the businesses in the commercial inventory in the JURMP.

All industrial and commercial facilities that meet at least one of the following criteria are included in the inventory:

*Industrial Facilities*

- ❖ Industrial Facilities, as defined at 40 CFR S. 122.26 (b)(14)
- ❖ Facilities subject to the statewide General Industrial Permit or other individual NPDES permit
- ❖ Operating and closed landfills
- ❖ Facilities subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA)
- ❖ Hazardous waste treatment, disposal, storage, and recovery facilities

### *Commercial Facilities*

- ❖ Automobile repair, maintenance, fueling, or cleaning
- ❖ Airplane repair, maintenance, fueling, or cleaning
- ❖ Boat repair, maintenance, fueling, or cleaning
- ❖ Equipment repair, maintenance, fueling, or cleaning
- ❖ Automobile and other vehicle body repair or painting
- ❖ Mobile automobile or other vehicle washing\*
- ❖ Automobile (or other vehicle) parking lots and storage facilities
- ❖ Retail or wholesale fueling
- ❖ Pest control services
- ❖ Eating and drinking establishments, including food markets
- ❖ Mobile carpet, drape, or furniture cleaning\*
- ❖ Cement mixing and cutting\*
- ❖ Masonry\*
- ❖ Painting and Coating\*
- ❖ Botanical or zoological gardens and exhibits
- ❖ Landscaping\*
- ❖ Nurseries and green houses
- ❖ Golf courses, parks, and other recreational areas/facilities
- ❖ Cemeteries
- ❖ Pool and fountain cleaning\*
- ❖ Marinas
- ❖ Portable sanitary services
- ❖ Building material retailers and storage
- ❖ Animal facilities
- ❖ Power washing services\*

\*All mobile commercial businesses are discussed in Section 5.2.

### *Both Industrial and Commercial Facilities*

- ❖ All other commercial or industrial sites/sources tributary to a CWA Section 303(d) impaired waterbody segment, where the site/source generates pollutants for which the waterbody is impaired
- ❖ All other commercial or industrial sites/sources within or directly adjacent to (i.e. within 200 feet of) or discharging directly to coastal lagoons or other receiving waters within an Environmentally Sensitive Area (ESA)
- ❖ All other commercial or industrial sites/sources that the City determines may contribute a significant pollutant load to the MS4.

## **5.1.2 Best Management Practice Requirements**

### **5.1.2.1 Updated BMP Requirements**

During the 2008 JURMP update, the City established a set of minimum BMPs for all industrial and commercial sites and incorporated these into the City's Municipal Code Sections 8.48.080 and 8.48.090. The list of minimum BMPs includes both structural and non-structural BMPs and is itemized specific to pollutant-generating activity. The City's set of minimum BMPs for industrial and commercial sites/sources also includes pollution prevention methods, where appropriate. A complete list of the City's minimum BMPs for industrial and commercial facilities can be found in the City's JURMP and Municipal Code. The Municipal Code can be accessed through the City's website: [www.ci.lemon-grove.ca.us](http://www.ci.lemon-grove.ca.us).

#### ***Industrial Facility Specific BMPs***

Industries subject to the General Industrial Permit are required to prepare a SWPPP and implement the BMPs prescribed therein. At a minimum, the SWPPP should include sections which describe the significant materials present on site, areas and activities that are potential sources of pollutants, and BMPs to address the identified pollutants' sources onsite. In addition, because of the small scale of the City's industrial program, the City is able to require site-specific BMPs at its industrial sites. These BMPs are based on a review of the site's SWPPP and site inspections, where needed.

### **5.1.2.2 Additional Controls**

The City requires the implementation of additional controls for industrial and commercial sites and sources that are 1) tributary to CWA Section 303(d) impaired water body segments or 2) directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas.

The City prescribed additional controls during inspections of commercial and industrial facilities, as needed, depending on the proximity of the facility to the waterbody and the observed potential of the site to be a significant source of pollutants that may threaten the downstream waterbody as necessary and appropriate.

## **5.1.3 Program Implementation**

This section describes the steps employed by the City to require and verify the implementation of designated BMPs for stationary industrial and commercial sources. During FY 2009-10, the City updated its program as needed, provided education and outreach through inspection actions, inspected inventoried businesses to evaluate compliance with established minimum BMP requirements

and the local stormwater ordinance, and took enforcement action as necessary to bring violators into compliance.

#### 5.1.3.1 Inventory Prioritization

Since the new Permit no longer requires industrial and commercial facilities to be prioritized as high, medium, or low; the City prioritized industrial and commercial businesses as either high priority or non-priority.

When evaluating threat to water quality, the City considered the following attributes of each industrial and commercial business to determine priority or non-priority status:

- ❖ Type of activity (SIC code)
- ❖ Materials used at the facility
- ❖ Wastes generated
- ❖ Pollutant discharge potential
- ❖ Non-stormwater discharges
- ❖ Size of facility
- ❖ Proximity to receiving water bodies
- ❖ Sensitivity of receiving water bodies
- ❖ If the facility is subject to the General Industrial Permit or an individual NPDES permit
- ❖ Filing of a No Exposure Certification/Notice of Non-Applicability
- ❖ Facility design
- ❖ Total area of the site, area of the site where industrial or commercial activities occur, and area of the site exposed to rainfall and runoff
- ❖ Compliance history
- ❖ Any other relevant factors

Although not specifically required by the Permit, the City will continue to classify industrial facilities that have obtained coverage under the General Industrial Permit as high priority. The City uses the following additional spatial attributes to prioritize industrial and commercial facilities:

- ❖ Proximity to a 303(d) listed waterbody
- ❖ Pollutant potential of the facility type
- ❖ Stormwater violation history

If a facility was identified as having a potential threat based on two or more of these criteria, the facility was determined to be a high priority commercial facility. In addition, if during the City's commercial inspection process or based on institutional knowledge, it is determined that additional sites that would otherwise have a lower priority should be classified as high priority industrial or commercial facilities based on the Permit criteria, they were noted as such in the inventory and inspected as required.

The City's commercial inventory was updated and prioritized during the 2008 JURMP update and will be prioritized at least once per year prior to conducting annual inspections.

#### 5.1.3.2 Inspection Frequency

FY 2009-10 commercial facility inspection priorities were established in consideration of inspection frequencies and prioritization standards outlined in the Permit. As part of the JURMP update, a new process to determine high priority facilities was formulized and put into effect during the previous reporting period. To determine which industrial and commercial sties were inspected in FY 2009-10, the following steps were taken:

- ❖ Confirm that the current industrial and commercial inventories are up-to-date.
- ❖ Prioritize each facility based on the prioritization process described in Section 5.1.3.1 of this document
- ❖ Review the list of facilities that were inspected the previous year
- ❖ Determine the facilities that will be inspected in the current year based on each site's prioritization and inspection history and other relevant factors, such as TMDLs and 303(d) listings.

In compliance with Permit standards, the inspected over 50 percent of all stationary industrial and commercial facilities inventoried as high threat to water quality and over 20 percent of all stationary inventoried sites. Mobile businesses are not included when determining the inspection requirements based on percentages of the inventory. The City tracked completed inspections throughout the reporting period to ensure that the minimum inspection frequencies required by the Permit were met.

During the 2008 JURMP update, the City identified the businesses that would be inspected as part of the 2009-10 reporting period. The City's facility summaries can be found in Tables 5-1 and 5-2 of this section. The list of high treat to water quality stationary commercial facilities can be found in Attachment K2. The City inspected all of these facilities and all of the industrial facilities in Table 5-2 during FY 2009-10.

#### 5.1.3.3 Routine Facility Inspections

The City routinely inspects its commercial and industrial facilities. Inspections are intended to:

- ❖ Provide facilities with information regarding the City's stormwater program
- ❖ Provide guidance in complying with stormwater regulations
- ❖ Validate and manage the inventory

During FY 2009-10, the City conducted 19 industrial and 34 commercial inspections for compliance with ordinances, permits, and policies. All inspections included, as applicable:

- ❖ Review of BMP implementation plans, if the site uses or is required to use such a plan
- ❖ Review of facility monitoring data, if the site monitors its runoff
- ❖ Check for coverage under the General Industrial Permit (NOI or WDID), if applicable
- ❖ Assessment of compliance with Copermittee ordinances and permits related to urban runoff
- ❖ Assessment of BMP implementation, maintenance, and effectiveness
- ❖ Visual observations for non-stormwater discharges, potential illicit connections, and potential discharge of pollutants to stormwater runoff
- ❖ Education and training on stormwater pollution prevention, as conditions warrant

Based on the results of each site evaluation, City staff completed an inspection form, which can be found in Attachment K1.

Staff generally works with site contacts to provide examples of BMP solutions that could be implemented. Effective, low-cost solutions were sought whenever possible, although in some cases more expensive BMPs were needed to reduce pollutant discharges to the MEP. Each business was also evaluated for staff training procedures and the stormwater quality awareness of the contact person; educational information was provided as appropriate. Whenever possible, the findings of the inspection and related corrective actions were discussed with the responsible party while the inspector is at the site. The responsible party is always provided a copy of the inspection findings after the inspection. For any sites found not in compliance, corrective actions are written on the inspection form along with any follow-up actions or inspections, as needed.

### *Inspection Tracking*

Complaint and inspection documentation is filed in a tracking database and is kept up to date on a regular basis.

### *Third Party Inspections*

All commercial inspections conducted in FY 2009-10 were completed by City staff. The City has one full-time Code Enforcement officer with a stormwater focus, who is dedicated to conducting routine commercial, industrial, and residential inspections and follow up for routine inspections as well as complaint calls. A third party was not employed to conduct inspections during this fiscal year. Therefore, verification of third party inspection effectiveness was not necessary.



City staff responsible for conducting stormwater compliance inspections and enforcement of industrial and commercial facilities are training regularly on inspection and enforcement procedures, BMP implementation, and assessment of monitoring data. Water quality staff actively collaborates with inspection staff throughout the region to share methodologies and approaches that may be beneficial region wide.

#### *Inspection Follow-up and Enforcement*

Staff conducted follow-up inspections at all facilities that were directed to implement corrective actions. Follow-up investigations are conducted to ensure that the required BMPs were implemented and confirm full compliance of the facility. The City only had one non-compliant industrial facility. The facility was storing materials uncovered, outside. The corrective actions were given to the facility contact and all corrections were made by the follow up inspection. Twelve restaurants were found in non-compliance on the initial inspections, all corrective actions were minor and completed by the follow-up inspections. The restaurants continue to display confusion over the water quality inspections versus health code inspections and fire code inspections. For this reason, staff has worked diligently to provide on site education and to coordinate inspections with the City's Fire Marshal. It is not possible to coordinate inspections with the health inspectors as that is a County program with its own staff and own time lines for inspection requirements.

#### 5.1.3.4 Notification

The City will notify each inventoried industrial and commercial business of the City's updated BMP requirements that are applicable to the site/source. During FY 2007-08, the City provided a formal letter notifying the facilities of any changes and that a new Permit had been issued. During FY 2008-09, the City did not feel a second formal notification was required and dealt with education during the actual inspection.

#### 5.1.3.5 Complaint investigations, Violations, Enforcement, Follow-up and Compliance

When a complaint is registered with the City's hotline, e-mail, other phone line, or when staff directly observes an illicit discharge, a complaint investigation is conducted. All complaints are investigated by City staff with enforcement authority within a reasonable time frame. Investigation typically includes stopping any active discharges, educating the discharger, enforcing discharge prohibitions, and/or clean up activities by the City or responsible party.

As required by the Permit and depending on the severity of the violation, the City enforces its stormwater ordinances for all commercial and industrial facilities as

necessary to maintain compliance with the Permit. Enforcement could include verbal or written warnings with education, orders to abate or correct, administrative citations, monetary fines, civil lawsuits, and/or cost recovery actions. Escalating enforcement steps provide flexibility for staff to establish appropriate compliance time frames on a case by case basis. All complaints and associated violations, enforcement, and follow-up actions are thoroughly documented and tracked through the City's Code Enforcement database.

During FY 2009-10, the City had four commercial related complaints and no industrial related complaints. The two commercial complaints were the hosing of parking lots. The behavior was stopped immediately upon investigation and both dischargers were educated on the proper dry methods for cleaning impervious surfaces.

### *Reporting of Non-Filers*

The City did not identify any industrial sites that may require coverage under the General Industrial Permit, but which, to the City's knowledge did not file NOIs.

## **5.2 Mobile Sources**

Illegal discharges tend to be the major area of concern with mobile businesses. Mobile businesses can be difficult to inventory because they may not be based in the City and do not typically have a permanent address. Additionally, new mobile businesses are started, and previously existing mobile businesses go out of business on a regular basis. For the reasons listed, and also simply because they are not consistently present at a fixed location, regular inspections of mobile businesses are not a feasible option.

### **5.2.1 Source Characterization of Mobile Sources**

The mobile businesses known to operate within the City's jurisdiction are listed on an inventory found in Attachment K2. This inventory was prepared as part of the 2008 JURMP update. The following business types are addressed by the mobile sources element of the City's industrial and commercial program:

- ❖ Mobile automobile and other vehicle washing
- ❖ Mobile carpet, drape, or furniture cleaning
- ❖ Mobile construction trades such as: cement mixing or cutting, masonry, painting and coating
- ❖ Landscaping
- ❖ Pool and fountain cleaning
- ❖ Power washing services

In addition to the types of businesses listed above, any other mobile businesses that the City determines to have a significant threat to water quality will be added

to the inventory. Because not all mobile businesses have obtained business licenses in the City or have a base of operations outside the City, staff is continually refining and updating the mobile inventory. In addition, the City is participating in the creation of a regional mobile businesses list.

## **5.2.2 Best Management Practice Requirements**

### **5.2.2.1 Updated BMP Requirements for Mobile Sources**

All BMPs required for station sources, described in Section 5.1.2.1 of this document and listed in detail in the City's JURMP, are also required of mobile businesses, where applicable. The most important BMPs for most mobile businesses are typically those that address non-stormwater discharge control and spill prevention, control, and clean-up.

## **5.2.3 Program Implementation**

### **5.2.3.1 Education/Outreach and Notification of Mobile Sources**

The City will provide information and outreach regarding stormwater quality to mobile business owners and operators. Businesses will be given educational materials outlining pollution prevention methods and other related BMPs if businesses are found to be in violation of the City's stormwater ordinance or the Permit. City staff will also give recommendations to businesses, where applicable.

Because the mobile business program is a new element of the industrial and commercial program; it is anticipated that some mobile businesses are not aware of stormwater requirements and that education will be a significant portion of the program. The education is described in more detail in Section 8 of this report. It is worthy to note, that even before the issuance of the new Permit, City staff reviewed and gave verbal stormwater education to any mobile or automotive business license applicant.

The City will continue to coordinate and collaborate with the regional Education and Outreach Workgroup to notify the owner/operator of each inventoried mobile business of applicable BMP requirements within the first three years of implementation of the updated JURMP.

### **5.2.3.2 Inter-Jurisdictional Cooperation**

During this and the previous reporting periods, the City has participated with other Copermittees in a Mobile Business subcommittee to develop the Regional Mobile Business Outreach and Education Strategy. Because mobile businesses inherently provide services at offsite locations crossing jurisdictional lines, the

Copermittees have chose to collaborate on a regional mobile business strategy, which addresses the following elements:

- ❖ Inventory Development and Maintenance
- ❖ Establishment of Minimum BMP Requirements
- ❖ Outreach and Education including notifications

A consultant may be hired at some point to assist with this process. Compliance and enforcement responsibilities for mobile businesses will continue to reside with individual jurisdictions, and are therefore not addressed as shared regional tasks under this strategy.

#### 5.2.3.3 Inspections

The inspections for mobile businesses generally follow the same procedure described in Section 5.1.3.3 of this report. The main focus of most mobile business inspections is on discharge control BMPs. After thorough investigation, enforcement, and follow-up as needed, none of the mobile businesses investigated warranted a formal inspection. Notably, as part of standard response actions, staff works directly with mobile business owners and employees to ensure that their business practices meet the City's minimum BMP standards.

#### 5.2.3.4 Complaint Investigations, Violations, Enforcement, Follow-up, and Compliance

Complaint response, follow-up investigation, and compliance of mobile commercial businesses are handled in the same fashion as stationary commercial facilities. For a general description of the City's complaint response procedures, refer to Section 5.1.3.5 of this report.

In FY 2009-10, City staff investigated six complaints based on mobile business activities. Investigation of mobile business activities can be difficult based on the transient nature of their operations and their habit of operating primarily on weekends. The City has limited Code Enforcement abilities during non-working hours, but has managed to educated several mobile businesses by actual staff observation of activities. All calls were investigated and followed up with to the best of staff's ability to obtain contact information for the mobile business operator. All contacted operators were provided BMP requirement education and told if complaints persisted, administrative fines would be processed. To the City's knowledge, all have complied with the BMP requirements.